

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

RICHARD J. CASPARI, III AND
CHRISTIE CASPARI

CIVIL ACTION NO. _____

VERSUS

JUDGE _____

U.S. XPRESS, INC., MOUTAIN LAKE
RISK RETENTION GROUP, AND
ANGELA MARTINEZ

MAGISTRATE JUDGE _____

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, come U.S. XPRESS, INC. (“U.S. Xpress”), MOUNTAIN LAKE RISK RETENTION GROUP, INC. (“Mountain Lake”), and ANGELA MARTINEZ (“Ms. Martinez”), named defendants in the Petition for Damages in the above numbered and entitled case, appearing herein solely for the purpose of presenting this Notice of Removal of the above-entitled cause to this Honorable Court under the provisions of 28 U.S.C. § 1441, et. seq. and reserving all other defenses and rights, respectfully show as follows:

1.

This suit was commenced in the 10th Judicial District Court, Natchitoches Parish, Louisiana by plaintiff on or about January 4, 2021. U.S. Xpress was served personally on January 19, 2021. Mountain Lake was served through long-arm service on February 1, 2021. As of this filing, Ms. Martinez has not been served. Therefore, U.S. Xpress, Mountain Lake, and Ms. Martinez file this Notice of Removal within thirty days of the date of service on the last-served defendant.

2.

This action is of a civil nature. Plaintiffs Richard J. Caspari III (“Mr. Caspari”) and Chrisie Caspari (“Ms. Caspari”) are, and at all relevant times herein have been, domiciled in the State of Louisiana. U.S. Xpress is, and at all relevant times herein has been, a corporation incorporated in

the State of Tennessee, with its principal place of business in the State of Tennessee and is therefore domiciled in the State of Tennessee. Mountain Lake is, and at all relevant times herein has been, a corporation incorporated in the State of Vermont, with its principal place of business in the State of Vermont, and is therefore domiciled in the State of Vermont. Ms. Martinez is domiciled in the state of Texas. Therefore, there is diversity of citizenship between the parties herein.

3.

Plaintiff Mr. Caspari claims to have sustained extensive property damages, loss of revenue from his restaurant being closed, loss of food at his restaurant, and physical damages as a result of the accident at issue. He underwent knee surgery on or about November 11, 2020 allegedly due to the accident at issue. Based on the information received as of this filing, it is reasonable to believe that the amount in dispute in this case is in excess of \$75,000.00, exclusive of interest and costs.

4.

The United States District Court has jurisdiction of this cause of action under 28 U.S.C. § 1332 and the proper court for removal is the United States District Court for the Western District of Louisiana.

5.

Annexed hereto as Exhibit "A" is a copy of the entire suit record of the State Court proceeding referred to hereinabove.

6.

A copy of this Notice of Removal has been served upon all adverse parties and filed with the Clerk of the Tenth Judicial District Court, Natchitoches Parish, Louisiana immediately upon filing of this Notice in accordance with 28 U.S.C. § 1446 (d).

Shreveport, Louisiana, this 12th day of February 2021.

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BY: //es// Thomas A. Pressly, IV
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ATTORNEYS FOR U.S. XPRESS, INC., MOUNTAIN
LAKE RISK RETENTION GROUP, INC. and
ANGELA MARTINEZ\\

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Notice of Removal has been provided to all counsel of record via electronic mail on this the 12th day of February, 2021 in Shreveport, Caddo Parish, Louisiana.

//es// Thomas A. Pressly, IV
OF COUNSEL